

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

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SIXTY-EIGHTH LEGISLATIVE DAY  
FRIDAY, MARCH 19, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Winder, absent and formally excused by the Chair; and Senator Cameron, absent and excused.

Prayer was offered by Acting Senator Michelle Stennett.

The Pledge of Allegiance was led by Jedediah Russell, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 18, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### PETITION TO WAIVE JOINT RULE 20

We, the majority leadership of the Senate, petition that the President waive the provisions of Joint Rule 20 pertaining to the limitation on introduction of proposed constitutional amendments, which would permit the introduction and consideration of **SJR 102** and **SJR 103** to amend the Constitution of the State of Idaho by clarifying the limitations on county and municipal indebtedness.

Signed:

/s/ Robert L. Geddes, President Pro Tem  
/s/ Bart Davis, Majority Leader  
/s/ Joe Stegner, Assistant Majority Leader  
/s/ Russ Fulcher, Majority Caucus Chairman

Upon presentation of the petition, the President waived the provisions of Joint Rule 20. The correspondence was ordered filed in the office of the Secretary of the Senate

### **SJR 102** **BY STATE AFFAIRS COMMITTEE**

#### A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE LOCATION AND DISPOSITION OF PUBLIC LANDS; TO PROVIDE THAT THE LEGISLATURE SHALL PROVIDE BY LAW FOR THE SALE OR OTHER DISPOSITION OF THE GENERAL GRANTS OF LAND MADE BY CONGRESS TO THE STATE FROM TIME TO TIME, AND FOR THE SALE OF TIMBER ON ALL STATE LANDS, AT PUBLIC AUCTION OR THROUGH SUCH OTHER MEANS A PRUDENT INVESTOR WOULD USE WHILE CONSIDERING THE PURPOSES AND TERMS OF THE TRUST AND WHILE EXERCISING REASONABLE CARE, SKILL AND CAUTION, TO PROVIDE THAT THE PROCEEDS FROM ANY DISPOSITION OF LANDS SHALL BE FAITHFULLY APPLIED IN ACCORDANCE WITH THE TERMS OF THE GRANTS, AND TO DELETE A RESTRICTION PROHIBITING THE SALE OF MORE THAN THREE HUNDRED AND TWENTY ACRES OF LAND TO ANY ONE INDIVIDUAL, COMPANY OR CORPORATION; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

### **SJR 103**

### **BY STATE AFFAIRS COMMITTEE**

#### A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 10, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE SALE OF UNIVERSITY LANDS; TO PROVIDE THAT NO UNIVERSITY LANDS SHALL BE SOLD FOR LESS THAN THE APPRAISED PRICE, RATHER THAN FOR LESS THAN TEN DOLLARS PER ACRE; AND TO REMOVE A RESTRICTION PROHIBITING THE SALE OF MORE THAN ONE HUNDRED AND SIXTY ACRES OF UNIVERSITY LANDS, TO ANY ONE PERSON, COMPANY OR CORPORATION; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**SJR 102** and **SJR 103** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Cameron was recorded present at this order of business.

March 19, 2010

The JUDICIARY AND RULES Committee reports that **S 1419**, **S 1420**, **S 1421**, **S 1422**, **SJR 102**, and **SJR 103** have been correctly printed.

DARRINGTON, Chairman

**S 1419** and **S 1420** were referred to the Finance Committee.

[S 1421](#) and [S 1422](#) were referred to the Education Committee.

[SJR 102](#) and [SJR 103](#) were referred to the State Affairs Committee.

March 18, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 605](#) and [H 647](#) with the recommendation that they do pass.

HILL, Chairman

[H 605](#) and [H 647](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

March 18, 2010

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1388](#), [S 1332](#), [S 1296](#), [S 1285](#), [S 1284](#),  
[S 1283](#), [S 1282](#), [S 1338](#), and [S 1316](#)

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 18, 2010

Dear Mr. President:

I transmit herewith [H 668](#), [H 669](#), [H 670](#), [H 671](#), [H 573](#), [H 673](#), [H 633](#), [H 586](#), as amended, and [H 407](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[H 668](#), [H 669](#), [H 670](#), [H 671](#), [H 573](#), [H 673](#), [H 633](#), [H 586](#), as amended, and [H 407](#), as amended, were filed for first reading.

March 18, 2010

Dear Mr. President:

I transmit herewith Enrolled [HJR 4](#), [HJR 5](#), [HJR 7](#), [H 471](#), [H 449](#), [H 469](#), [H 444](#), as amended, [H 464](#), [H 465](#), [H 482](#), [H 513](#), [H 416](#), [H 516](#), [H 456](#), [H 458](#), [H 478](#), [H 525](#), [H 415](#), [H 417](#), [H 463](#), and [H 533](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HJR 4](#), [HJR 5](#), [HJR 7](#), [H 471](#), [H 449](#), [H 469](#), [H 444](#), as amended, [H 464](#), [H 465](#), [H 482](#), [H 513](#), [H 416](#), [H 516](#), [H 456](#), [H 458](#), [H 478](#), [H 525](#), [H 415](#), [H 417](#), [H 463](#), and [H 533](#) and ordered them returned to the House.

March 18, 2010

Dear Mr. President:

I return herewith Enrolled [S 1286](#), [S 1328](#), [S 1339](#), [S 1342](#), [S 1371](#), and [S 1379](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1286](#), [S 1328](#), [S 1339](#), [S 1342](#), [S 1371](#), and [S 1379](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

Having voted on the prevailing side and proper notice having been served, Senator Goedde moved, seconded by Senator Werk, that the vote by which [H 598](#) passed the Senate be now reconsidered. The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES—Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, Mortimer, Smyser, Stegner, Stennett (Stennett), Werk. Total - 17.

NAYS—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Heinrich, McGee, McKague, McKenzie, Pearce, Schroeder, Siddoway. Total - 17.

Absent and excused—Winder. Total - 1.

Total - 35.

The roll call having resulted in a tie vote, the President voted AYE, declared that the motion to reconsider [H 598](#) had prevailed, and [H 598](#) was before the Senate for final consideration.

On request by Senator Goedde, granted by unanimous consent, [H 598](#) was returned to the Third Reading Calendar.

The President announced that [HCR 61](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Cameron, seconded by Senator LeFavour, [HCR 61](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

##### S 1423

##### BY FINANCE COMMITTEE

##### AN ACT

REDUCING THE APPROPRIATION TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

##### S 1424

##### BY FINANCE COMMITTEE

##### AN ACT

REDUCING THE APPROPRIATION TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2010;

APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

**S 1425**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO STATE OFFICES; AMENDING SECTION 59-904, IDAHO CODE, TO REVISE PROVISIONS REGARDING VACANCIES IN STATE OFFICES AND APPOINTMENTS TO THOSE OFFICES AND SENATE CONFIRMATION AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

**S 1426**

**BY FINANCE COMMITTEE**

**AN ACT**

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN TRANSFERS BEING CONTINUOUSLY APPROPRIATED; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR AIRPORT DEVELOPMENT GRANTS; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; AND REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF TITLE XII AND TITLE XIV AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDS.

**S 1427**

**BY FINANCE COMMITTEE**

**AN ACT**

RELATING TO HIGHWAY TRANSPORTATION PROJECTS; APPROVING BONDING AUTHORITY TO FINANCE CERTAIN HIGHWAY TRANSPORTATION PROJECTS; REFERENCING PROJECTS TO BE FINANCED WITH BOND PROCEEDS; LIMITING THE SCOPE OF TRANSPORTATION PROJECTS; PROVIDING A REQUIREMENT REGARDING A GARVEE PROGRAM MANAGEMENT SERVICES AGREEMENT; PROVIDING FOR ISSUANCE OF GARVEE BONDS; PROVIDING LEGISLATIVE INTENT AS TO THE IDAHO TRANSPORTATION BOARD'S PRIORITY USE OF BOND REVENUE; PROVIDING LEGISLATIVE INTENT REGARDING WORK PERFORMED BY THE IDAHO TRANSPORTATION DEPARTMENT; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE; AND PROVIDING A DATE FOR SUBMISSION OF A REPORT TO THE LEGISLATURE.

[S 1423](#), [S 1424](#), [S 1425](#), [S 1426](#), and [S 1427](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 668](#), [H 669](#), [H 670](#), and [H 671](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 573](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 673](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 633](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 586](#), as amended, by Business Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 407](#), as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

President Little called President Pro Tempore Geddes to the Chair.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

**Reports of Standing Committees**

March 19, 2010

The JUDICIARY AND RULES Committee reports that [S 1423](#), [S 1424](#), [S 1425](#), [S 1426](#), and [S 1427](#) have been correctly printed.

DARRINGTON, Chairman

[S 1425](#) was referred to the State Affairs Committee.

[S 1423](#), [S 1424](#), [S 1426](#), and [S 1427](#) were referred to the Finance Committee.

March 19, 2010

The STATE AFFAIRS Committee reports out [S 1425](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1425](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[H 496](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 555](#), by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[H 603](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1408](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 543](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 550](#) and [H 554](#), by Business Committee, were read the second time at length and filed for third reading.

[H 593](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

[H 613](#), by State Affairs Committee, was read the second time at length and filed for third reading.

H 531, as amended, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

S 1412 and S 1413, by Finance Committee, were read the second time at length and filed for third reading.

H 607, by Ways and Means Committee, was read the second time at length and filed for third reading.

H 630, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1403, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 601, by Education Committee, was read the second time at length and filed for third reading.

H 611, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1407, S 1415, S 1416, S 1417, and S 1418, by Finance Committee, were read the second time at length and filed for third reading.

H 462 and H 504, by Business Committee, were read the second time at length and filed for third reading.

H 548, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 581, by Business Committee, was read the second time at length and filed for third reading.

H 644, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 502, by Business Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 624, by Education Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 576, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 509, as amended in the Senate, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1389, as amended, and S 1397, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1411, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

S 1410 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee,

McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk. Total - 34.

NAYS—None.

Absent and excused—Winder. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared S 1410 passed, title was approved, and the bill ordered transmitted to the House.

S 1344, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kerby (Keough), LeFavour, Lodge, McGee, Mortimer, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 25.

NAYS—Fulcher, Hill, Kelly, McKague, McKenzie, Pearce, Siddoway, Smyser. Total - 8.

Absent and excused—Malepeai, Winder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1344, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1346, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Brackett disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner. Total - 26.

NAYS—Bilyeu, Jorgenson, Kelly, LeFavour, Stennett (Stennett), Werk. Total - 6.

Absent and excused—Bock, Malepeai, Winder. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared S 1346, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:25 p.m. until the hour of 10 a.m., Monday, March 22, 2010.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary